

**GIBBONS**

**SO ORDERED**

*s/James B. Clark*

**James B. Clark, U.S.M.J.**

Date: 9/29/2020

KEVIN W. WEBER  
Director

Gibbons P.C.  
One Gateway Center  
Newark, New Jersey 07102-5310  
Direct: (973) 596-4895 Fax: (973) 639-8372  
kweber@gibbonslaw.com

September 28, 2020

**VIA ECF**

Hon. James B. Clark, U.S.M.J.  
United States District Court  
Martin Luther King Building & U.S. Courthouse  
50 Walnut Street  
Newark, NJ 07101

*\*The settlement  
conference is adjourned  
to October 5, 2020 at  
2:00 pm*

**Re: DVL, Inc. and DVL Kearny Holdings, LLC v. Congoleum  
Corporation and Bath Iron Works Corporation  
Civil Action No. 2:17-cv-04261**

Dear Judge Clark:

This firm represents Congoleum Corporation ("Congoleum") in the above-referenced matter. There is a settlement conference presently with Your Honor scheduled for tomorrow, Tuesday September 29, 2020. Congoleum's lead attorney, Camille Otero, is unavailable for tomorrow's conference due to the passing of her mother on Saturday. The services are scheduled for Tuesday and Wednesday. Ms. Otero and all necessary representatives for Congoleum are available Thursday 10/1 (afternoon), Friday 10/2, Monday 10/5, or Tuesday 10/6 to participate in the conference, should any of those dates and times be acceptable to the Court. Late yesterday I contacted attorneys for DVL and BIW to advise them of this forthcoming request. Counsel for DVL consents to this request and advises that they are available Monday 10/5 or Tuesday 10/6. BIW requested that I state its position as follows:

*Under the circumstances, BIW consents to Congoleum's request to adjourn the mediation until 10/1 or 10/2 if the Court is available one of those dates. If the Court is not available on either of those two dates, Congoleum's other requested dates of 10/5 or 10/6 will also work for BIW but are less preferable. If the court is also not available on 10/5 or 10/6, BIW unfortunately must request that the mediation remain as currently scheduled in light of the efforts made to have the mediation occur prior to deadlines in the Congoleum bankruptcy (unless Congoleum can move some the relevant bankruptcy dates).*

Thank you for Your Honor's consideration of this request.

Very truly yours,



Kevin W. Weber

cc: Counsel of Record (via ECF)